SLS 12RS-732 **ORIGINAL** 

Regular Session, 2012

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SENATE BILL NO. 393

BY SENATOR MURRAY

CIVIL PROCEDURE. Provides relative to eviction proceedings and motions for new trial. (gov sig)

AN ACT

2	To amend and reenact Code of Civil Procedure Articles 4732 and 4735, relative to eviction
3	of tenants and occupants; to provide relative to a motion for a new trial; to provide
4	certain procedures, time periods, and effects; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. Code of Civil Procedure Articles 4732 and 4735 are hereby amended and
7	reenacted to read as follows:
8	Art. 4732. Trial of rule; judgment of eviction
9	A. The court shall make the rule returnable not earlier than the third day after
10	service thereof, at which time the court shall try the rule and hear any defense which
11	is made.
12	B. If the court finds the lessor or owner entitled to the relief sought, or if the
13	lessee or occupant fails to answer or to appear at the trial, the court shall render
14	immediately a judgment of eviction ordering the lessee or occupant to deliver
15	possession of the premises to the lessor or owner. The judgment of eviction shall be
16	effective for not less than ninety days.
17	C. A party may make a written request or motion for a new trial on any

grounds applicable under Articles 1972 and 1973. A new trial must be applied

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for within twenty-fours hours after the rendition of the judgment of eviction.

Art. 4735. Appeal; bond

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An appeal does not suspend execution of a judgment of eviction unless the defendant has answered the rule under oath, pleading an affirmative defense entitling him to retain possession of the premises, and the appeal has been applied for and the appeal bond filed within twenty-four hours after the rendition of the judgment of eviction or within twenty-four hours after the denial of a motion for a new trial if such motion was made. The amount of the suspensive appeal bond shall be determined by the court in an amount sufficient to protect the appellee against all such damage as he may sustain as a result of the appeal.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry G. Jones.

## **DIGEST**

<u>Present law</u> in Code of Civil Procedure sets forth judicial procedures relative to evictions of tenants and occupants. Provides for trial by rule and rendition of a judgment of eviction. Further provides that an appeal may be taken under certain circumstances if the appeal is applied for within 24 hours after the rendition of the judgment of eviction.

<u>Proposed law</u> adds that a party may make a written request or motion for a new trial on certain grounds, if the new trial is applied for within 24 hours after the rendition of the judgment of eviction. Provides that an appeal under <u>present law</u> may be taken if applied for within 24 hours after the rendition of the judgment of eviction, or within 24 hours after the denial of a motion for new trial if such motion is made.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends C.C.P. Arts. 4732 and 4735)